

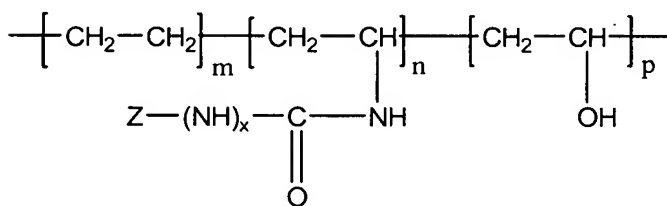
**REMARKS**

Claims 1-50 are pending. Claims 1-6 are rejected. Claims 7-50 were previously withdrawn.

Rejections under 35 U.S.C. 102

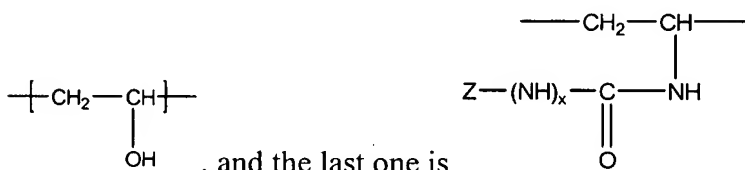
Claims 1, 3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Marconi et al., Biomaterials 18:885-890 (1997) ("Marconi").

Claim 1 defines a medical article that includes an implantable substrate having a coating deposited on at least a portion of the substrate. The coating comprises a polymer having the formula:



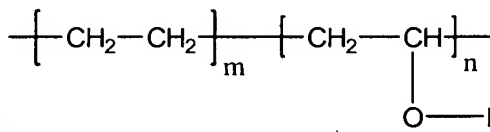
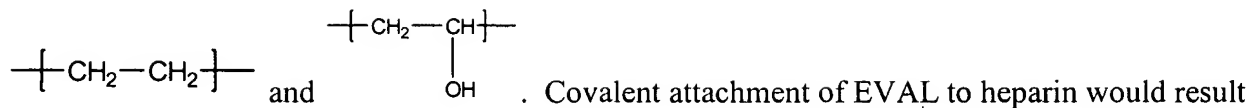
wherein Z is a non-fouling moiety. In this

formula, there are three different repeating units: one is  $\left[ \text{CH}_2 - \text{CH}_2 \right]$ , another is



This polymer is not described or taught by Marconi. As the Examiner correctly notes, Marconi describes an EVAL polymer covalently attached to heparin. EVAL is poly(ethylene-co-

vinyl alcohol), which is  $\left[ \text{CH}_2 - \text{CH}_2 \right]_m \left[ \text{CH}_2 - \underset{\begin{array}{c} | \\ \text{OH} \end{array}}{\text{CH}} \right]_n$ , having two different repeating units,



in a polymer having a structure of which is entirely different from the polymer as defined in claim 1. Therefore, claim 1 is patentably allowable over Marconi. Claims 3, 5 and 6 depend from claim 1 and are patentably allowable over Marconi for at least the same reason.

### Rejections under 35 U.S.C. 103

Claim 4 is rejected under 35 U.S.C. 103(a) as being obvious over Marconi in view of WO 02/078668 by Advanced Cardiovascular Systems ("ACS").

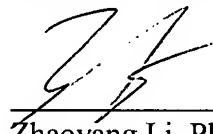
Claim 4 depends from claim 1 and therefore recites a polymer that falls within the formula defined by claim 1. As discussed above, Marconi does not describe or teach this polymer. ACS is directed to a drug delivery device for release of drugs from polymer films. ACS, at pages 6, 10 and 12, describes EVAL, which is discussed above, and a EVAL/PEO graft polymer that has a formula and structure entirely different from the polymer defined by claim 1. Therefore, ACS does not cure the deficiencies of Marconi. As such, claim 4 is patentably allowable over Marconi and ACS, individually or in combination, under 35 U.S.C. 103(a).

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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Respectfully submitted,

  
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